

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL NO: 5:16-cv-00188-FL

CHRISTOPHER JENKINS,  
On behalf of himself and all others  
similarly situated,

Plaintiff,

vs.

THE MOSES H. CONE MEMORIAL  
HEALTH SERVICES CORPORATION; THE  
MOSES H. CONE MEMORIAL HOSPITAL,  
INCORPORATED; THE MOSES H. CONE  
MEMORIAL HOSPITAL; THE MOSES H.  
CONE MEMORIAL HOSPITAL OPERATING  
CORPORATION; AVECTUS HEALTHCARE  
SOLUTIONS, LLC,

Defendants.

**ORDER GRANTING CONSENT MOTION  
TO FILE DOCUMENTS UNDER SEAL**

This the 29<sup>th</sup> day of \_\_\_\_\_ June \_\_, 2016, the Motion to File Under Seal Exhibits D, E, F, and G to Defendant's Motion to Dismiss, presented by the Cone Defendants and consented to by all parties, is GRANTED and the following materials SHALL BE FILED UNDER SEAL: Plaintiff's insurance card (Exhibit D); the General Consent (Exhibit E); the Provider Agreement (Exhibit F); and the Lien Notice (Exhibit G).

The Court further finds that:

1. The materials proposed to be sealed contain a confidential commercial contract between Cone and a nonparty to this litigation and documents containing protected health information under the Health Insurance Portability and Accountability Act ("HIPAA") as codified in 45 C.F.R. § 164.501 *et seq.*;

2. The nature and quality of such material justifies sealing Plaintiff's insurance card, the General Consent, the Provider Agreement, and the Lien Notice, despite the competing interests of the public, because the publication of the confidential commercial information would be harmful to the

business interests and competitive standing of a party and a nonparty, and no alternative to sealing is adequate;

3. The nature and quality of such material justifies sealing Plaintiff's insurance card, the General Consent, the Provider Agreement, and the Lien Notice, despite the competing interests of the public, because the information is protected from disclosure by federal and state law, and no alternative to sealing is adequate; and

4. The parties' interests in maintaining the confidentiality of these documents and information override any constitutional or common law right of public access which may attach to the documents and/or information at issue.

THEREFORE, it is ORDERED that Exhibits D, E, F, and G to the Cone Defendants' Motion to Dismiss may be filed under seal and shall remain sealed until otherwise ordered by this Court.

SO ORDERED, this the 29th day of \_\_\_\_\_ June \_\_\_\_\_, 2016.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first letter of "Louise" is a large, ornate capital "L". The signature is positioned above a horizontal line.

LOUISE W. FLANAGAN  
United States District Court Judge